

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 14-cr-093-01-LM

Alkis Nakos

O R D E R

On today's date, the court held a telephone conference in this case. Attorney Donald Feith appeared for the United States, and Attorney Charles Keefe appeared for Alkis Nakos. The court discussed two issues with counsel.

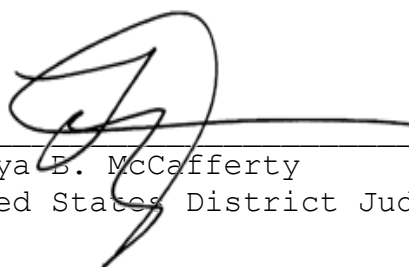
First, the court drew counsels' attention to a "Notice to the Court" filed by the United States. Doc. no. [224](#). The Notice deals with pre-trial statements concerning leniency made by the prosecutor to a trial witness that were not disclosed to the defense. Attorney Keefe informed the court that Mr. Nakos currently has elected not to litigate issues concerning the Notice prior to sentencing.

Second, Nakos was convicted of conspiracy in violation of 21 U.S.C. § 846 and engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848. The court raised the issue of whether conspiracy is a lesser-included offense of engaging in a continuing criminal enterprise. Counsel agreed that the

sentencing hearing should be continued to allow counsel time to research the issue.

Accordingly, the sentencing hearing scheduled for tomorrow, June 9, 2016, is continued. On or before June 10, 2016, counsel shall contact Kellie Otis, the court's case manager, to select a new date (within 30-45 days from today's date) for the sentencing hearing in this case.

SO ORDERED.



Landya B. McCafferty
United States District Judge

June 8, 2016

cc: Charles J. Keefe, Esq.
Donald A. Feith, Esq.
Michael T. McCormack, Esq.
U.S. Probation
U.S. Marshal